UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/36
12 June 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-third session
Item 15 of the provisional agenda

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft declaration on the rights of indigenous peoples

Revised working paper submitted by the Chairperson/Rapporteur, Ms. Erica-Irene Daes, pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/26

GE.91-12186/3274B

INTRODUCTION

1. In its resolution 1990/26, the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended that the Chairperson/Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, prepare an extensive analytical commentary on the articles of the draft universal declaration on the rights of indigenous peoples, based on her first revised text, the reports on the informal working groups, the debate at the eighth session of the Working Group, written observations, existing international instruments and other available comments. The Commission on Human Rights, by its resolution 1991/59 of 6 March 1991, welcomed the Sub-Commission's decision to continue to entrust Ms. Daes with further development of the draft declaration, within the framework contained in her working paper, taking into consideration, inter alia, the comments by Governments, indigenous organizations and other interested parties, in accordance with the relevant resolution of the Sub-Commission.

2. The present working paper combines the modifications and suggestions made since the preparation of the first revised text of the draft declaration of indigenous rights in 1989 (E/CN.4/Sub.2/1989/33). The sources for this consolidated commentary are the following:

(a) Analytical commentary on the draft principles contained in the first revised text of the draft declaration on the rights of indigenous peoples elaborated by the Chairperson/Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes (E/CN.4/Sub.2/1990/39);

(b) Standard-setting activities: evolution of standards concerning the rights of indigenous populations - information received from Governments (E/CN.4/Sub.2/AC.4/1990/1 and Add.1);

(c) Standard-setting activities: evolution of standards concerning the rights of indigenous populations - information received from United Nations bodies, specialized agencies and intergovernmental organizations (E/CN.4/Sub.2/AC.4/1990/2);

(d) Standard-setting activities: evolution of standards concerning the rights of indigenous populations - information received from non-governmental organizations (E/CN.4/Sub.2/AC.4/1990/3);

(e) Report of the Working Group on Indigenous Populations on its eighth session (E/CN.4/Sub.2/1990/42), including the reports of Informal Drafting Groups I, II and III (E/CN.4/Sub.2/1990/42, pp. 42-54).

3. It is the view of the Chairperson/Rapporteur that the Working Group is now in a position to make further substantive progress on the draft declaration on indigenous rights. Constructive discussions took place during the seventh and eighth sessions of the aforementioned Working Group and valuable suggestions, additions and modifications to the first revised text have been submitted by Governments, United Nations bodies, specialized

agencies and indigenous organizations. A number of these suggestions, additions and modifications are incorporated in the present revised working paper.

4. It is the hope of the Chairperson/Rapporteur that, during the ninth session of the Working Group, a second revised text can be developed taking into account the various comments made by the above-mentioned parties as well as the specific revisions proposed to the text. For this reason, and to assist with the drafting part of the Working Group's mandate, the present working paper contains the text of each article of the revised version of the draft declaration and, on the facing page, a compilation of the revisions and alternative drafts. A full summary of the comments made by Governments, United Nations bodies, specialized agencies and indigenous organizations is contained in the documents referred to in paragraph 2 above.

Revised text proposed by the Chairperson/Rapporteur

Draft first preambular paragraph

"Considering indigenous peoples are born free and equal in dignity and rights in accordance with existing international standards while recognizing the right of all individuals and groups to be different, to consider themselves different and to be regarded as such,"

Suggested revisions

Draft first preambular paragraph

The reference to "existing" is unnecessarily restrictive. (Government observer and Chairperson/Rapporteur)

"Considering the indigenous are born free and equal in dignity and rights in accordance with existing international standards while at the same time recognizing the right of all individuals and groups to be different, to consider themselves different and to be regarded as such," (Argentina)

"Considering that, in accordance with existing international standards, all members of the human family (or 'all human beings and all peoples') are free and equal in dignity and have the right to be different, to consider themselves different and to be regarded as such," (UNESCO)

"Considering that indigenous peoples and individuals are born free and are equal to all other peoples and individuals in dignity and rights, in accordance with international standards," (Informal Drafting Group I)

"Considering indigenous peoples equal to all others in dignity and rights, while recognizing the right of all peoples and individuals to be different, to consider themselves different, and to be respected as such," (Informal Drafting Group II)

"Considering indigenous peoples born free and equal in dignity and rights in accordance with international standards while recognizing the right of all individuals and groups to be different, to consider themselves different and to be respected as such," (Informal Drafting Group III)

The word "are" before "equal" should be deleted from the first preambular paragraph of Informal Drafting Group I (Working Group member).

Revised text proposed by the Chairperson/Rapporteur

Draft second preambular paragraph

"Considering that all peoples and human groups have contributed to the progress of civilizations and cultures which constitute the common heritage of humankind,"

Suggested revisions

Draft second preambular paragraph

"Convinced that all peoples and all human groups, whatever their composition or ethnic origin, contribute according to their own genius to the progress of the civilizations and cultures which, in their plurality and as a result of their interpenetration constitute the common heritage of mankind," (UNESCO)

"Considering that all peoples have contributed and will further contribute to the progress, richness and diversity of civilizations and cultures which constitute the common heritage of humankind," (Informal Drafting Group I)

Draft second preambular paragraph (new)

"Recognizing the right of all indigenous peoples to be different, to consider themselves different and to be respected as such," (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft third preambular paragraph

"Recognizing the specific need to promote and protect those rights and characteristics which stem from indigenous history, philosophy of life, traditions, culture and legal, social and economic structures, especially as these are tied to the lands and resources which the groups have traditionally occupied, or otherwise used by them,"

Suggested revisions

Draft third preambular paragraph

"Recognizing the specific need to promote and protect those rights and characteristics which stem from indigenous history, philosophy of life, traditions, culture, social and economic structures, especially as these are tied to the lands which the groups traditionally occupy," (Argentina)

"Recognizing the specific and urgent need to promote and protect those rights and characteristics which stem from indigenous peoples' histories, spirituality, traditions and cultures, as well as from their legal, social, spiritual and economic structures and institutions; especially as these are tied to the land and other territories and resources traditionally occupied or otherwise used by them," (Informal Drafting Group I)

"Recognizing the specific need to promote and protect those rights and characteristics which stem from indigenous history, philosophy of life, traditions, culture and laws and political, social and economic institutions, all of which arise from the lands which the indigenous peoples have traditionally occupied," (Informal Drafting Group III)

Delete the word "spiritual" from the fourth line of text proposed by Informal Drafting Group I. (Working Group member)

Draft third preambular paragraph (new)

"Emphasizing the need for confidence-building measures in indigenous lands and other territories, in order to promote peace, demilitarization, understanding and friendly relations among all peoples of the world," (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft fourth preambular paragraph

"Concerned that many indigenous peoples have been unable to enjoy and assert their inalienable human rights and fundamental freedoms, frequently resulting in insufficient land and resources, poverty and deprivation, which in turn may lead them to voice their grievances and to organize themselves in order to bring an end to all forms of discrimination and oppression which they face,"

Suggested revisions

Draft fourth preambular paragraph

The fourth preambular paragraph should be deleted in its entirety. (Argentina)

The following passage could be inserted after the word "deprivation":

"... which may divide nations internally, give rise to political tensions between peoples and seriously disturb international peace and security," (UNESCO)

"Concerned that many indigenous peoples have been and continue to be unable to exercise, enjoy and assert their inalienable rights and freedoms including their basic human rights and fundamental freedoms, frequently resulting in insufficient land and other territories and resources, poverty, deprivation and marginalization; which in turn may lead them to voice their grievances and to organize themselves in order to bring an end to all forms of discrimination and oppression which they face," (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft fifth preambular paragraph

"Convinced that all doctrines and practices of racial, ethnic or cultural superiority are scientifically and legally wrong, morally condemnable and socially unjust,"

Suggested revisions

Draft fifth preambular paragraph

It seems desirable to insert the words "scientifically and" after the word "are" and before the words "legally wrong", (UNESCO)

This paragraph could become the first or second preambular paragraph. (Government observer)

"Convinced that all doctrines and practices of racial, national, ethnic, religious or cultural superiority are legally and scientifically wrong, morally condemnable and socially unjust," (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft sixth preambular paragraph

"Reaffirming that indigenous peoples in the exercise of their rights should be free from adverse distinction or discrimination of any kind,"

Suggested revisions

Draft sixth preambular paragraph

"Reaffirming that indigenous peoples are entitled to enjoy their rights (or to exercise their rights) without adverse distinction or discrimination of any kind," (UNESCO)

"Reaffirming that all indigenous peoples, in the exercise of their rights and freedoms, cannot be subjected to any kind of [adverse] discrimination," (Informal Drafting Group I)

"Reaffirming that indigenous peoples in the exercise of their rights should be free from adverse distinction or adverse discrimination of any kind," (Informal Drafting Group III)

Delete the word "adverse" before "distinction" and "discrimination" in the text of Informal Drafting Group III. (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft seventh preambular paragraph

"Endorsing calls for the consolidation and strengthening of indigenous societies and their cultures and traditions through development based on their own needs and value systems and comprehensive participation in and consultation about all other relevant development efforts,"

Suggested revisions

Draft seventh preambular paragraph

"Endorsing calls for the revitalization, consolidation and strengthening of indigenous societies and their traditional institutions, cultures and social structures, through respect for their inalienable right to self-determination, which includes their right to development oriented to the fulfilment of their own spiritual and material needs," (Informal Drafting Group I)

"Endorsing calls for the consolidation and strengthening of indigenous societies and their cultures and traditions through control over development affecting them and their territories based on their own needs and value systems and comprehensive participation in all other relevant development activities within and among States," (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft eighth preambular paragraph

"Emphasizing the importance for special attention to the rights and skills of indigenous women and children and to their specific needs,"

Suggested revisions

Draft eighth preambular paragraph

"Emphasizing the need for special attention to the rights of indigenous women and children and to their specific needs," (UNESCO)

"Emphasizing that special attention should be granted to the promotion, protection and implementation of the rights of indigenous women and children and to the acquisition and utilization of their traditional skills," (Informal Drafting Group I)

"Emphasizing the need for special attention to the rights and skills of indigenous women, youth and children," (Informal Drafting Group III)

Substitute the word "paid" for "granted" in the text of Informal Drafting Group I. (Working Group member)

Draft eighth preambular paragraph 8 (new)

"Recognizing in particular that it is in the best interest of indigenous children for the child's indigenous community to retain, wherever possible, common responsibility for the upbringing and development of the child," (Informal Drafting Group III)

The following wording for an operative paragraph to give effect to this preambular paragraph: "The right of indigenous children to retain contact with their own communities and extended families, and, if substitute care is necessary, to preferred placement within the child's own family, culture and community", was suggested. (Indigenous representative)

Revised text proposed by the Chairperson/Rapporteur

Draft ninth preambular paragraph

"Believing that indigenous peoples should be free to manage their own affairs to the greatest possible extent, while enjoying equal rights with other citizens in the political, economic, social and cultural life of States,"

Suggested revisions

Draft ninth preambular paragraph

"Believing that indigenous populations (or communities) should be free to manage their own affairs to the greatest possible extent, while enjoying equal rights with other citizens in the political, economic and social life of States," (Argentina)

Insert the words "and cultural" after the word "social". (UNESCO)

Delete the words "to the greatest possible extent" on the grounds that it is too restrictive. (Indigenous representative)

"Convinced that the right of indigenous peoples to self-determination includes their right freely to determine their present and future relationships with the political, economic and social life of States and that the reaffirmation of said right and of all others enshrined in this Declaration is not to be construed, at present, as in any way limiting their enjoyment of equal rights with citizens of the States in which they currently reside," (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft tenth preambular paragraph

"Bearing in mind that nothing in this declaration may be used as a justification for denying to any people, which otherwise satisfies the criteria generally established by the rules of international law and human rights instruments and international law, its right to self-determination,"

Suggested revisions

Draft tenth preambular paragraph

The tenth preambular paragraph should be deleted in its entirety. (Argentina)

It is suggested that the words "otherwise", "generally" and "human rights instruments and" should be deleted. The Covenants do not lay down any criteria and, in any case, what counts is the rules of international law. This part of the paragraph could therefore read as follows:

"... any people which satisfies the criteria established by international law" (UNESCO)

"Bearing in mind that nothing in this Declaration may be used as a justification for denying to any people, which otherwise satisfies the criteria generally established by human rights instruments and international law, its right to self-determination," (Informal Drafting Group I)

"Bearing in mind that nothing in this declaration may be used as a justification for denying to any indigenous peoples their right to self-determination," (Informal Drafting Group II)

"Emphasizing that this Declaration [takes into account] the rights of individuals and communities as guaranteed in all other international human rights instruments, including the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination," (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft eleventh preambular paragraph

"Calling on States to comply with and effectively implement all international human rights instruments as they apply to indigenous peoples,"

Suggested revisions

Draft eleventh preambular paragraph

The term "peoples" should be replaced by "populations" or "communities", depending on what is thought to be appropriate. (Argentina)

"Calling on States to respect and to ensure to indigenous peoples within their territory and subject to their jurisdiction all the rights recognized in the international instruments on human rights," (UNESCO)

"Recalling the duty of all States to comply with, in good faith, and effectively implement all international instruments to which they are parties, as they apply to indigenous peoples, in conjunction with them," (Informal Drafting Group I)

"Calling on States to comply with and effectively implement all international instruments as they apply to indigenous peoples and in conjunction with them," (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft twelfth preambular paragraph

"Acknowledging the need for minimum international standards taking account of the diverse realities of indigenous peoples in all parts of the world,"

Suggested revisions

Draft twelfth preambular paragraph

Insert at the end of this paragraph the following phrase: "while taking care not to justify either in law or in fact any discriminatory or segregationist practice whatsoever," (UNESCO)

"Acknowledging the need for international standards taking account of the diverse realities of indigenous peoples in all parts of the world," (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft thirteenth preambular paragraph

"Solemnly proclaims the following Declaration on rights of indigenous peoples and calls upon all States to take prompt and effective measures to implement the declaration in conjunction with the indigenous peoples and invites international governmental and non-government organizations to cooperate within the limits of their respective competence in the full and complete realization of the principles it sets forth,"

Suggested revisions

Draft thirteenth preambular paragraph

"Solemnly proclaims this Declaration on rights of indigenous peoples, calls upon all States to take prompt and effective measures to implement it in conjunction with the indigenous peoples and invites international governmental and non-governmental organizations to cooperate within the limits of their respective competence in the full and complete realization of the principles it sets forth:" (UNESCO)

"Solemnly proclaims the following Declaration on Rights of Indigenous Peoples and calls upon all States to take prompt and effective measures to implement this Declaration in conjunction with indigenous peoples: (Informal Drafting Group I)

"Solemnly proclaims the following Declaration on rights of indigenous peoples and calls upon all States to take prompt and effective measures to implement the Declaration in conjunction with the indigenous peoples:" (Informal Drafting Group III)

Draft preambular paragraph (new)

New preambular paragraph to be placed after fourth preambular paragraph:

"Considering also that the treaties and agreements between States and indigenous peoples continue to be matters of international concern and responsibility,"

Draft preambular paragraph (new)

New preambular paragraph without prejudice for its placement in the preamble:

"Noting that the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights affirm the fundamental importance of the right to self-determination, as well as the right of all human beings to pursue the material, cultural, and spiritual development in conditions of freedom and dignity," (Informal Drafting Group II)

The word "on" before "civil" in the second line should be added and "of" should substitute "to" in the third line of the second new preambular paragraph. (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 1

PART I

"The right to the full and effective enjoyment of all fundamental freedoms and human rights as well as the observance of the corresponding responsibilities, which are universally recognized in the Charter of the United Nations and in existing international human rights instruments;"

Suggested revisions

Draft operative paragraph 1

This article should include the words "including the right to self-determination;" after the words "rights" and "freedoms". (Papua New Guinea)

"All peoples are equal; they shall enjoy the same respect and shall have the same rights. Nothing can justify the domination, oppression, exploitation, segregation or forced assimilation of a people by another;" (UNESCO)

The words "as peoples" should be added before the words "to the full and effective", and the words "including the right to self-determination" after the words "rights and freedoms." (Indigenous representative)

"The right to the full and effective enjoyment of all fundamental rights and freedoms, as well as the observance of the corresponding responsibilities, which are universally recognized in the Charter of the United Nations and in international human rights instruments." (Informal Drafting Group III)

The phrase "human rights and fundamental freedoms" should be substituted for "fundamental rights and freedoms" in lines 1-2 of the text by Informal Drafting Group I (Working Group member)

Draft operative paragraph 1 (new)

"Indigenous peoples have the right to self-determination, by virtue of which they may freely determine their political status, pursue their own economic, social, religious and cultural development, and determine their own institutions;" (Informal Drafting Group II)

"Indigenous peoples have the right of self-determination, by virtue of which they may freely determine their political status and institutions and pursue their own economic, social, religious and cultural development;" (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 2

"The right to be free and equal to all the other human beings in dignity and rights and to be free from adverse distinction or discrimination of any kind on the ground of indigenous status."

Suggested revisions

Draft operative paragraph 2

Line 2 could be clarified to read "adverse discrimination of any kind on the ground of indigenous status". (Australia)

"Any restriction on the complete self-fulfilment of individuals and peoples or on free communication between them which is based on racial or ethnic considerations is contrary to the principles embodied in the Charter of the United Nations and the international instruments on human rights;" (UNESCO)

"The right to be free and equal to all the other human beings, human groups and peoples in dignity and rights and to be free from adverse distinction or adverse discrimination of any kind;" (Informal Drafting Group III)

Replace the phrase "the other human beings, human groups and" with "other" in lines 1-2, and delete the word "adverse" in lines 3 and 4 of the text of Informal Drafting Group III. (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 3

PART II

"The collective right to exist as distinct peoples and to be protected against genocide, as well as the individual rights to life, physical integrity, liberty and security of person;"

Suggested revisions

Draft operative paragraph 3

"The (collective) right to exist and to be protected against genocide, as well as the (individual) rights to life, physical integrity, liberty and security of person;" (Argentina)

"All peoples have the right to existence in peace and security and to their economic, social and cultural development with due regard to their freedom and identity;" (UNESCO)

"The collective right to exist as distinct peoples and to be protected against genocide, as well as the individual rights to life, physical and mental integrity, liberty and security of person;" (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 4

"The collective and individual right to maintain and develop their ethnic and cultural characteristics and identities including the rights of peoples and individuals to respect for their self-identification. This right includes also the right of each indigenous people to pursue its own cultural, political and economic development;"

Suggested revisions

Draft operative paragraph 4

"All individuals and all human groups have the right to be different and to develop their own cultural life within the national and international context, it being understood that it rests with each group to decide in complete freedom on the maintenance, adaptation or enrichment of the values which it regards as essential to its identity;" (UNESCO)

"The collective and individual right to maintain and develop their ethnic and cultural characteristics and identities, including the rights of peoples and individuals to respect for their self-identification. This right includes also the right of each indigenous people to pursue its own cultural, political and economical development;" (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 5

"The individual and collective right to protection against ethnocide or cultural genocide. This protection shall include, in particular, prevention of any act which has the aim or effect of depriving them of their ethnic characteristics or cultural identity, of any form of forced assimilation or integration, of imposition of foreign life-styles and of any propaganda derogating their dignity and diversity;"

Suggested revisions

Draft operative paragraph 5

"The individual and collective right to protection against ethnocide. This protection shall include, in particular, prevention of any act which has the aim or effect of depriving them of their ethnic characteristics or cultural identity, of any form of forced assimilation or integration and of any propaganda derogating their dignity and diversity". (Argentina)

The first part of this article could be revised to read as follows:

> "Ethnocide or cultural genocide, in the same way as genocide itself, deserves to be condemned by the international community as a crime against humanity. All individuals and all peoples are entitled to effective protection against any act which has the aim or effect of depriving them of their ethnic characteristics or cultural identity, and in particular of the fundamental right to use, preserve, develop and transmit their language, traditions and culture." (UNESCO)

Omit reference to the imposition of foreign life-styles. (Government representatives)

"The individual and collective right to protection against ethnocide and cultural genocide. This protection shall include, in particular, prevention of and appropriate redress for:

(a) any act which has the aim or effect of depriving them of the integrity of their distinct societies;

(b) any form of forced or involuntary assimilation or integration;

(c) dispossession of territories, lands or resources;

(d) imposition of alien cultures or ways of life; or

(e) any propaganda or information directed against them;" (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 6

"The right to preserve their cultural identity and traditions and to pursue their own cultural development, including the right to control and maintain the manifestations of their cultures, such as archaeological and historical sites and structures, artefacts, designs, technology and works of art and the right to the restoration of cultural property taken without their consent. In addition the artistic and technological creations of indigenous individuals shall be recognized and respected as cultural property;" (Informal Drafting Group III)

Suggested revisions

Draft operative paragraph 6

"Since culture is a fundamental element in the life of all individuals and all communities, it is essential to take into account the human and cultural dimension of development. All efforts in this field should respond to the aspirations of peoples to freedom, well-being and peace and be aimed at the assertion and enrichment of their cultural identities the broadening of their participation in cultural life, the protection, conservation and enhancement of their cultural and natural heritage and the promotion of cultural cooperation at the national and international levels;" (UNESCO)

"The right to preserve their cultural identity and traditions and to pursue their own cultural development, including the right to control and maintain the manifestations of their cultures, such as archaeological and historical sites and structures, artefacts, designs, technology and works of art and the right to the restoration of cultural property taken without their consent. In addition the artistic and technological creations of indigenous individuals shall be recognized and respected as cultural property;" (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 7

"The right to require that States grant - within the resources available - the necessary assistance for the maintenance of their identity and their development;"

Suggested revisions

Draft operative paragraph 7

"Economic, social and cultural development calls for technical and financial assistance on the part of States and international governmental and non-governmental organizations, together with appropriate measures adopted in consultation with the populations concerned in order to ensure that all individuals and all human groups, in full equality and without any discrimination, can achieve complete self-fulfilment under conditions of respect for and maintenance of their cultural identity;" (UNESCO)

For reasons of clarity, it is possible to replace the words "require that States grant" with "special State measures". (Chairperson/Rapporteur)

"Indigenous peoples have the right to require that States grant the necessary assistance and States have a duty, within the resources available, to make available to indigenous peoples, opportunities and resources for the full development of their own institutions and initiatives for full enjoyment of the human rights and fundamental freedoms referred to in this Declaration;" (Informal Drafting Group III)

The words "Indigenous peoples have" should be deleted from the beginning of the article, and a full stop should be inserted after "assistance" in the second line of the text by Informal Drafting Group III. (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragarph 8

"The right to manifest, teach, practise and observe their own religious traditions, customs and ceremonies, to maintain, protect and have access in privacy to sacred sites and burial-grounds for these purposes; and the right to the repatriation of human remains;"

Suggested revisions

Draft operative paragraph 8

Add a reference to "the right to obtain, use and preserve articles, implements and natural items needed for ritual and ceremonial practices." (Indigenous representative)

To harmonize this draft article fully with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, a reference to religious implements could be included in a revised text. (Chairperson/Rapporteur)

"The right to manifest, teach, practise and observe their own spiritual traditions, customs and ceremonies, to maintain, protect and have access in privacy to sacred sites, ceremonial implements, natural materials and burial grounds for these purposes, and the right to the repatriation of human remains". (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 9

"The right to develop and promote their own languages, including an own literary language, and to use them for administrative, juridical, cultural and other purposes; Also, the right to keep the ethnic or historical names of communities, persons and places;"

Suggested revisions

Draft operative paragraph 9

"The right to develop and promote their own languages, including an own literary language, and to use them for cultural and other purposes. In legal and administrative proceedings, when the indigenous person does not know the national language, the State shall obligatorily provide and/or make available the services of interpreters;" (Argentina)

The contents of the article are acceptable. (Finland)

Paragraph 9 in Part II of the draft declaration is not acceptable. (Venezuela)

"All individuals and all peoples have the right to learn, teach, use, develop and promote their own language, including their own literary language, and to keep the ethnic names of communities, persons and places;" (UNESCO)

"The right to develop, promote, maintain and transmit to future generations their own languages and written literacy and to use them for administrative, juridical, cultural and other purposes. Measures shall be taken to ensure that indigenous peoples can understand and be understood in legal and administrative proceedings where necessary through the provision of interpretation or by other effective means;" (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 10

"The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct and control their own educational systems and institutions;"

Suggested revisions

Draft operative paragraph 10

This provision is unacceptable. (Venezuela)

"States shall take effective measures to guarantee ethnic groups the right to education and access to the various forms and degrees of instruction, in particular the right to engage in educational activities, including running schools and using or teaching their own language, provided however:

(i) that this right shall not be exercised in such a manner as to prevent the members of minorities from understanding the culture and language of the community as a whole and from taking part in its activities or to jeopardize national sovereignty;

(ii) that the level of teaching in such schools shall not be lower than the general level prescribed or approved by the competent authorities;

(iii) that attendance at such schools shall be optional;" (UNESCO)

The words "as far as possible" could be included in this draft article for the sake of clarity. (Chairperson/Rapporteur)

"The right to all forms of education, including in particular the right to have access to education in their own languages, and with respect for their own cultural traditions and heritage, and to establish, structure, conduct and control their own educational systems and institutions. Appropriate resources shall be provided for this purpose and minimum standards established by the competent authority in agreement with indigenous peoples;" (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 11

"The right to promote intercultural information and education, recognizing the dignity and diversity of their cultures, history and aspirations, in particular through the mass media, and the duty of States to take the necessary measures, among other sections of the national community, with the object of eliminating prejudices and of fostering understanding and good relations;"

Suggested revisions

Draft operative paragraph 11

"Education shall aim at the full development of the human personality, respect for human rights and understanding among nations, communities and individuals. The competent authorities shall ensure that teaching methods, curricula and materials encourage the elimination of prejudice and all forms of discrimination, promote an intercultural education which recognizes the dignity and diversity of all cultures and are free from stereotyped, partial or derogatory representations of any people;" (UNESCO)

"The right to promote inter-cultural information and education, recognizing the dignity and diversity of their cultures, history and aspirations, in particular through the mass media, and the duty of States to take the necessary measures among the national community, with the object of eliminating prejudices and of fostering understanding and good relations;" (Informal Drafting Group III)

The phrase "and to have access to cross-cultural resources" after "education" in the first line, and the phrase "and their past and present contributions to the common heritage of humankind" after "aspirations," in the third line could be added to the text of Informal Drafting Group III. (Non-governmental representative)

Draft operative paragraph 11 (new)

"Communication between different groups should be a reciprocal process, enabling them to express themselves and to be fully heard without let or hindrance: appropriate measures should therefore be taken at the national and international levels to enable indigenous peoples to publish and distribute newspapers, magazines and books written in their own language, to establish their own radio and television networks and have access to the mass media;" (UNESCO)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 12

PART III

"The right of collective and individual ownership, possession and use of the lands or resources which they have traditionally occupied or used. The lands may only be taken away from them with their free and informed consent as witnessed by a treaty or agreement;"

Suggested revisions

Draft operative paragraph 12

"The right of collective and individual ownership, possession and use of the land or resources which they traditionally occupy or use. The lands may only be taken away from them by means of fair compensation and in the same conditions as apply to all inhabitants of the State, should this situation be prescribed by law;" (Argentina)

"The rights of ownership, possession, use, passage and access of the peoples concerned with regard to the lands which they have traditionally occupied or used shall be recognized, and they may not be deprived of those rights otherwise than with their free and informed consent as witnessed by a treaty or agreement;" (UNESCO)

"The right to ownership, [original title,] possession and use of the lands and other territories and resources traditionally occupied or otherwise used by them. Said lands and other territories and resources may only be used by other parties with free and genuine consent of the indigenous people concerned, as expressed through their own institutions, in accordance with their traditions, and as witnessed by means of a treaty, agreement or other type of mutually-accepted legally-binding instrument;" (Informal Drafting Group I)

Draft operative paragraph 12 bis (new)

"The right to demand and obtain from non-indigenous authorities full and effective protection of indigenous lands and other territories and resources, particularly from alienation to non-indigenous parties; as well as the formers' effective recognition of the need for indigenous peoples to secure and maintain an adequate land-resource base for the satisfaction of their spiritual and material needs;" (Informal Drafting Group I)

Draft operative paragraph 12 ter (new)

"[The right effectively to secure full respect from non-indigenous parties, in all the latters' policies and actions relevant to indigenous rights, for the profound relationship of indigenous people with the lands and other territories and resources traditionally occupied or otherwise used by them. This right includes the recognition of the importance attached by indigenous peoples to their environmental integrity.";] (Informal Drafting Group I)

"[States have a duty to respect in all relevant policies and actions the profound relationship of indigenous peoples with their traditional territories, lands and resources and to ensure the recognition and maintenance of an adequate land and resource base for indigenous peoples, in conjunction with them."] (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 13

"The right to recognition of their own land-tenure systems and institutions for the promotion and protection of the use, enjoyment and occupancy of the land;"

Suggested revisions

Draft operative paragraph 13

"The right to full and effective recognition of and protection for their own land-tenure systems and institutions, as well as for their traditions with respect to land/resources use, enjoyment and occupancy;" (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 14

"The right to special measures to ensure their ownership and control over surface and substance of resources pertaining to the territories they have traditionally occupied or otherwise used including flora, geothermal and other mineral resources, fauna, waters and ice sea;"

Suggested revisions

Draft operative paragraph 14

"The right to special measures to ensure their ownership of the lands they traditionally occupy or otherwise use and the use of their resources including flora and fauna, as well as the use of waters and ice sea, in complete conformity with the laws of the State and in the same conditions as apply for all citizens;" (Argentina)

"The right to special measures to ensure their ownership and control over the resources of the soil, subsoil and submerged lands in the territories they have traditionally occupied, including the flora and fauna, the geothermal and other mineral resources, reef resources and the resources of the ocean crusts." (UNESCO)

"The right to effective ownership, [original title,] possession, use, conservation and control of renewable and non-renewable surface and subsurface resources pertaining to the lands and other territories traditionally occupied or otherwise used by them, including flora and fauna, fresh and sea water and sea ice;" (Informal Drafting Group I)

Draft operative paragraph 14 (new)

"The right to ownershp, protection and control of their intellectual property and their right to use broadcast and all other forms of telecommunication frequencies;"

The words "on an equal footing with other peoples" should be added at the end of the text proposed by Informal Drafting Group I. (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 15

"The right to reclaim land and surface resources or where this is not possible, to seek just and fair compensation for the same, when the property has been taken away from them without consent, in particular, if such deprival has been based on theories such as those related to discovery, occupation, cession, abandonment, terra nullius, waste lands or idle lands. Compensation, if the parties agree, may take the form of land or resources of quality and legal status at least equal to that of the property previously owned by them;"

Suggested revisions

Draft operative paragraph 15

"The right to reclaim land and surface resources or, where this is not possible, to seek just compensation for the same when the property has been taken away from them without consent. Compensation, if the parties agree, may take the form of land or resources of quality or legal status equal or equivalent to that of the property previously owned by them;" (Agentina)

"It would be advisable to insert, as proposed by an indigenous observer, the words 'occupation, cession, abandonment' after the words 'to discovery' and before the words '*terra nullius*';" (UNESCO)

Add the words "occupation, cession, abandonment" after the word "discovery". (Indigenous representative)

"[The right to reclaim the land and other territories and resources traditionally occupied or otherwise used by them, irrespective of such claim being time-barred or prescribed. This includes the right to effectively seek and obtain just and fair compensation where repossession is not possible, and when the alienation of said lands, territories and resources has been either based on theories such as those related to discovery, *terra nullius*, waste lands or idle lands, materialized by means of coercion, or was otherwise obtained without their free and genuine consent. Compensation, if the parties agree, may take the form of land and other territories and resources of quality, quantity and legal status at least equal to that of the lands, other territories and resources traditionally occupied or otherwise used by them;]" (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 16

"The right to protection of their environment and in particular against any action or course of conduct which may result in the destruction, deterioration or pollution of their traditional habitat, land, air, water, sea ice, wildlife or other resources without free and informed consent of the indigenous peoples affected. The right to just and fair compensation for any such action or course of conduct;"

Suggested revisions

Draft operative paragraph 16

"The right to protection of their environment and in particular against any action or course of action which may result in the destruction, deterioration or pollution of their natural habitat, land, air, water, sea ice and wildlife, assuring the full and effective participation of the communities concerned in the decision that affect them. The right to just and fair compensation for any such action or course of conduct;" (Argentina)

"Right to protection against any activity which may result in the destruction, deterioration or pollution of their environment. Right to just and fair compensation for any damage of this kind caused on their territory by the act or omission of States, enterprises or individuals;" (UNESCO)

Add the words "negotiate and conclude" in the second sentence, between the words "the right to" and "just and fair compensation". (Indigenous representative)

"The right to a safe and healthy environment and the right to the protection of the environmental integrity of the land and other territories and resources traditionally occupied or otherwise used by indigenous peoples. Where any destruction, deterioration or pollution occurs, the right to full and effective restitution, including compensation for damages of a collective and/or individual nature;" (Informal Drafting Group I)

Add the words "of the environment" after "pollution" in the fourth line of the text proposed by Informal Drafting Group I. (Working Group representative)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 17

"The right to require that States consult with indigenous peoples and with both domestic and transnational corporations prior to the commencement of any large-scale projects, particularly natural resource projects or exploitation of mineral and other subsoil resources in order to enhance the projects' benefits and to mitigate any adverse economic, social, environmental and cultural effect. Just and fair compensation shall be provided for any such activity or adverse consequence undertaken;"

Suggested revisions

Draft operative paragraph 17

Article 17 should be deleted. (Argentina)

"The right to require that no exploitation or exploration project be undertaken in their territory without prior consultation to examine the economic, social and cultural and environmental impact and the possible long-term consequences of the project for the populations concerned;" (UNESCO)

"The duty of States to seek and obtain their free and informed consent, through appropriate mechanisms, before undertaking or permitting any programmes for the exploration or exploitation of mineral or other subsoil resources pertaining to their traditional territories. Just and fair compensation should be provided for any such activities undertaken for the duration of such uses and for the fair market value of resources which are exploited, developed, or removed from traditional territories. The duty of the State to restore and rehabilitate the territories which have been utilized by States for mineral resource exploitation and development." (Indigenous representative)

Add the words "to obtain the free and informed consent of" between the words "that States" and "indigenous peoples"; the words "which affect indigenous territories or rights" between "any projects" and "particularly natural resource projects"; and the words "the right to negotiate and conclude" before "just and fair compensation". (Indigenous representative)

"The right to require that non-indigenous authorities and other parties, including transnational corporations, request and obtain the free and genuine consent of the indigenous people concerned prior to the commencement of any project directly related to indigenous lands and other territories and resources. Preliminary studies must be undertaken, in collaboration with the indigenous peoples concerned to assess the environmental, social, cultural and economic impacts of these activities. The terms of the economic and other benefits that are to accrue to indigenous peoples as a result of said projects must be established with their free and genuine consent, as witnessed by a treaty, agreement or any other mutually-agreed legally-binding instrument. It also includes the right to seek and obtain just and fair compensation for damages sustained by indigenous peoples after the initiation of said mutually-agreed projects and caused by acts or omissions for which non-indigenous parties are subject to administrative, civil or criminal responsibility;" (Informal Drafting Group I)

The words, "including population transfers with adverse effects," should be included after "project" in the fourth line of the text proposed by Informal Drafting Group I. (Indigenous representative)

Suggested revisions

Draft operative paragraph 17 bis (new)

"The right to prevent the utilization of their lands and other territories or resources for all military purposes, and their utilization for the storage or disposal of radioactive, toxic, industrial or any other wastes. This includes the right to seek and obtain effective, fair just and mutually-agreed compensation, and the restoration of the environment and the health of the people and individuals concerned, if said lands, territories or resources have been used without their free, genuine consent;" (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 18

PART IV

"The right to maintain and develop within their areas of lands and other territories their traditional economic structures, institutions and ways of life, to be secure in the traditional economic structures and ways of life, to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities, including hunting, fresh- and salt-water fishing, herding, gathering, lumbering and cultivation, without adverse discrimination. In no case may an indigenous people be deprived of its means of subsistence. The right to just and fair compensation if they have been so deprived;"

Suggested revisions

Draft operative paragraph 18

"The right to maintain, protect and further develop, within their traditional lands and other territories, their economic structures, institutions, and traditions. This right includes the right to be secure in the enjoyment of their traditional means of subsistence and ways of life. In no case may an indigenous people be deprived of their means of subsistence. It also includes the right to seek and obtain just, fair and mutually-agreed compensation, if they are so deprived;" (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 19

"The right to special State measures for the immediate, effective and continuing improvement of their social and economic conditions, with their consent, that reflect their own priorities;"

Suggested revisions

Draft operative paragraph 19

"[The right to seek and obtain from non-indigenous authorities the fulfilment of their responsibilities or obligations related to the effective and continuing improvement of the economic and social conditions of, as well as the quality of life for, indigenous peoples, with their free, genuine consent and according to their own priorities;]" (Informal Drafting Group I)

Suggested revisions

Draft operative paragraph 19 (bis) (new)

"The right to humanitarian assistance from States and national and international organizations. The latter shall ensure, in conjunction with the peoples concerned, that their assistance accrues to indigenous peoples' direct and full benefit;" (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 20

"The right to determine, plan and implement all health, housing and other social and economic programmes affecting them, and as far as possible to develop, plan and implement such programmes through their own institutions;"

Suggested revisions

Draft operative paragraph 20

"The right to determine, plan and implement, in the context of their right of self-determination, all health, housing, and other social, cultural and economic measures affecting them, and execute such measures through their own institutions;" (Informal Drafting Group I)

Draft operative paragraph 20 (bis) (new)

"The right to their own traditional medicines and health practices. This includes the right to protection of vital medicinal plants, animals, and minerals. The above may not be construed as a limitation to indigenous peoples' right of access to services provided by the non-indigenous health systems, if they so wish;" (Informal Drafting Group I)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 21

PART V

"The right to participate on an equal footing with all the other citizens and without adverse discrimination in the political, economic, social and cultural life of the State and to have their specific character duly reflected in the legal system and in political and socio-economic and cultural institutions, including in particular proper regard to and recognition of indigenous laws and customs;"

Suggested revisions

Draft operative paragraph 21

"The right to participate on an equal footing with all the other citizens and without adverse discrimination in the political, economic and social life of the State and to have their specific character duly reflected in the political system and in socio-economic institutions, including in particular proper regard to and recognition of indigenous customs;" (Argentina)

It would perhaps be desirable to replace the word "adverse" by "unfavourable" and to insert the words "and cultural" after "social", the words "and laws and customs" after "specific character" and the words "and cultural" after "socio-economic" and to delete the words "including in particular proper regard to and recognition of indigenous laws and customs". (UNESCO)

"(a) The right to have their distinct political, social, cultural and economic characteristics duly reflected in the institutions of the government under which they live.

(b) The right to full recognition and proper regard to indigenous laws, customs and practices in the legal systems and political institutions of the State.

(c) The right of members of indigenous peoples to participate fully and without adverse discrimination in the political, economic and social life of the State. The exercise of this right shall in no way adversely affect the collective rights of the peoples concerned;" (Informal Drafting Group II)

The word "adverse" should be deleted from the second line of part (c) in the text proposed by Informal Drafting Group II. (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 22

"The right to participate fully at the State level, through representatives chosen by themselves, in decision-making about and implementation of all national and international matters which may affect their rights, life and destiny;"

"(b) The right of indigenous peoples to be involved, through appropriate procedures, determined in conjunction with them, in devising any laws or administrative measures that may affect them directly, and to obtain their free and informed consent through implementing such measures. States have the duty to guarantee the full exercise of these rights;"

Suggested revisions

Draft operative paragraph 22

"(a) The right to participate effectively at the State and international levels, through representatives freely selected by themselves and by means of their own choosing, in policy and decision-making and in implementation in all matters which they consider may affect their rights, lives, and futures." (Informal Drafting Group II)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 23

"The collective right to autonomy in matters relating to their own internal and local affairs, including education, information, mass media, culture, religion, health, housing, social welfare, traditional and other economic and management activities, land and resources administration and the environment, as well as internal taxation for financing these autonomous functions;"

Suggested revisions

Draft operative paragraph 23

"(a) The right to determine, without interference, all matters pertaining to their own affairs, including, inter alia, control over lands and resources, social and political relations, dispute resolution, criminal jurisdiction, environmental protection and managements, economic activities, education, culture, traditional religious practices, health, taxation and entry by non-members.

(b) The right of indigenous peoples concerned to determine the nature and structures of their institutions and to select the membership of such institutions according to their own procedures. The duty of States, where the peoples concerned so desire, to recognize such institutions and their membership through the legal systems and political institutions of the State;" (Informal Drafting Group II)

The last sentence of part (b) should be reworded to read "States have the duty ..." in harmony with paragraph 22 (b) as suggested by Informal Drafting Group II. (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 24

"The right to decide upon the structures of their autonomous institutions, to select the membership of such institutions according to their own procedures, and to determine the membership of the indigenous people concerned for these purposes; States have the duty, where the peoples concerned so desire, to recognize such institutions and their memberships through the legal systems and political institutions of the State;"

Suggested revisions

Draft operative paragraph 24

The words "the right to determine their own citizenship without external interference" should be added. (Indigenous representative)

"The right to determine their own membership. The duty of States to accept that determination;" (Informal Drafting Group II)

"The right to determine their own identification as a member of a particular indigenous people. Such determination should be accepted by the State concerned;" (Working Group member)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 25

"The right to determine the responsibilities of individuals to their own community, consistent with universally recognized human rights and fundamental freedoms;"

Suggested revisions

Draft operative paragraph 25

"The right to determine the social consequences of the responsibilities of individuals to their own community, consistent with the laws and with universally recognized human rights and fundamental freedoms;" (Argentina)

"The right to determine the responsibilities of individuals to their own community, consistent with universally recognized human rights and fundamental freedoms;" (Informal Drafting Group II)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 26

"The right to maintain and develop traditional contacts, relations and cooperation, including cultural and social exchanges and trade, with their own kith and kin across State boundaries and the obligation of the State to adopt measures to facilitate such contacts;"

Suggested revisions

Draft operative paragraph 26

"The right to maintain and develop traditional contacts and cooperation, including cultural and social exchanges with their own kith and kin. Also the right to trade with them across State boundaries, in the same conditions that apply for all the members of the national community in its entirety and subject to the customs regulations in force for all in the country concerned and the obligation of the State to adopt measures to facilitate such contacts;" (Argentina)

"It would be more logical to replace the words "with their own kith and kin" by "with members of their people and with other indigenous peoples"," (UNESCO)

"The right of indigenous peoples divided by international borders to maintain and develop relations and commerce including unrestricted travel for cultural, social, sporting, religious and traditional economic purposes, across State borders. The duty of States to adopt measures, in conjunction with indigenous peoples, to facilitate the exercise of this right;" (Informal Drafting Group II)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 27

"The right to claim that States honour treaties and other agreements concluded with indigenous peoples, and to submit any disputes that may arise in this matter to competent national or international bodies;"

Suggested revisions

Draft operative paragraph 27

Article 27 should be deleted. (Argentina)

"It would perhaps be necessary to add at the end of this article the words "and to submit any disputes that may arise in this matter to impartial national or international bodies"," (UNESCO)

"The right to have claims pertaining to treaties between indigenous peoples and States heard before an impartial international tribunal;" (Indigenous representative)

"The right to the observance and enforcement of treaties and other agreements concluded with indigenous peoples;" (Indigenous representative)

"The duty of States to honour and to implement treaties and other agreements concluded with indigenous peoples according to their original intent, pursuant to the principle of pacta sunt servanda;" (Informal Drafting Group II)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 28

PART VI

"The individual and collective right to access to and prompt decision by mutually acceptable and fair procedures for resolving conflicts or disputes and any infringement, public or private, between States and indigenous peoples, groups or individuals. These procedures should include, as appropriate, negotiations, mediation, arbitration, national courts and international and regional human rights review and complaints mechanisms;"

Suggested revisions

Draft operative paragraph 28

"The individual and collective right to participate in the elaboration of fair procedures for resolving conflicts or disputes and any infringement, public or private, between States and indigenous peoples, groups or individuals. These procedures shall be applied by national courts without excluding, as appropriate, mediation and arbitration;" (Argentina)

"Effective measures shall be taken to ensure that indigenous peoples, their representatives and their members have effective remedies both at the national and at the international level in the event of violation of their fundamental rights;" (UNESCO)

"The individual and collective right to access to and prompt decision by mutually acceptable and fair procedures for resolving conflicts or disputes between States and indigenous peoples, groups or individuals and to an effective remedy for any infringement, public or private. These procedures should include, as appropriate, negotiations, mediation, arbitration, national courts and competent international, regional and domestic human rights review and complaints mechanisms;" (Informal Drafting Group III)

Draft operative paragraph 28 (bis) (new)

"States have a duty, in conjunction with the indigenous peoples concerned, to take prompt and effective measures to ensure the full enjoyment of the exercise of the indigenous rights and other human rights and fundamental freedoms referred to in this Declaration." (Informal Drafting Group III)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 29

PART VII

"These rights constitute the minimum standards for the survival and the well-being of the indigenous peoples of the world;"

Suggested revisions

Draft operative paragraph 29

"These rights may in no event justify segregationist policies or be exercised in disregard of the principles stated in the Charter of the United Nations and the international instruments of human rights;" (UNESCO)

Draft operative paragraph 29 (new)

"The application of the provisions of this convention shall not adversely affect the rights and benefits guaranteed to the peoples concerned pursuant to other conventions and recommendations, international instruments, treaties or national laws, decisions, customs or agreements;" (UNESCO)

Revised text proposed by the Chairperson/Rapporteur

Draft operative paragraph 30

"Nothing in this Declaration may be interpreted as implying for any State, group or individual any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein;"